

### **REMARKS/ARGUMENTS**

In the Office Action dated March 22, 2006, Claims 1-7 and 9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0008679 to Iwata et al. ("Iwata"). Claim 8 was rejected under 35 U.S.C. § 103(a) as being obvious over Iwata in view of U.S. Patent No. 6,519,475 to Kim ("Kim"). Applicants have amended Claims 1-9 and have added new dependent Claims 10-13. As explained below, Applicants respectfully submit that all of the pending claims are patentably distinct from the cited references, viewed either alone or in combination. As such, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

#### ***I. Summary of the Claimed Invention***

Claim 1 has been amended and now recites a portable radio communications device comprising: a body; a cover having a closed position for at least partially covering the body and an open position; a display; and keys accessible when the cover is in the closed position, one of the keys being multifunctional and in a position remote from the other keys. The multifunctional key is arranged to be active when the cover is in the closed position and inactive when the cover is in the open position. Claim 1 further recites that the function of the multifunctional key is dependent upon the state of the device, and that, for at least one state of the device, operation of the key controls the provision of information on the display. Thus, Claim 1 is directed to a device having a remote key configured to be active and multifunctional when the cover is in the closed position and inactive when the cover is in the open position.

These amendments are supported in the description where embodiments of the claimed invention are described. For example, page 16, lines 12-23, describes one embodiment of the invention where the remotely positioned key 36 (remotely positioned to provide easy access) has multiple functionality when the phone is in the closed configuration and no function (i.e., is disabled) when the cover is in the opened configuration. As further described (and as claimed in Claim 1), the function of the key is dependent upon the state of the device. For example, in one embodiment of the invention: if there is an incoming call, activation of the key mutes the ringing; if a call has just been missed, activation of the key provides the caller's details on the

display; if the phone is in the idle state, activation of the key redials the last dialed number; etc. In general, embodiments of the device may be configured so that the function of the multifunctional key is generally the most commonly desired function for a given state of the device.

## ***II. Summary of the Iwata Reference***

Iwata is directed to a mobile information terminal having: a touch screen **20** mounted on a liquid crystal display **4**; a keypad **6** positioned below the LCD **4**; and a cover **7**. *See* FIGS. 1-3. The cover is moveable between a closed position, as depicted by FIG. 1, in which the cover substantially overlays the LCD **4**, and an open position, as depicted by FIG. 2, in which the cover overlays the keypad **6**. *See* Iwata, ¶ 0153. A cover switch **9** is used to determine the position of the cover **7** on the mobile information terminal. When the cover **7** is closed, a telephone mode is set and when the cover **7** is opened, an information terminal mode is set. As described in paragraph 0159, when the cover **7** is closed, the touch screen **20** is deactivated, and when the cover **7** is open, the keypad **6** is deactivated. Thus, when the cover **7** is open, the user may operate the touch screen **20** to control the mobile information terminal. *See, e.g.*, FIGS 6-12. When the cover **7** is closed, the user may operate the keypad **6** and the display is arranged to provide basic information useful in the telephone mode. *See, e.g.*, FIGS 4 and 5.

## ***III. The Rejection of Claims 1-7 and 9 under 35 U.S.C. § 102(e)***

Iwata does not teach or suggest a portable radio communications device comprising keys accessible when the cover is in the closed position, wherein one of said keys is active and multifunctional when the cover is in the closed position, as recited by independent Claim 1. The Office Action cites keypad **6** as anticipating the multifunctional key of the claimed invention. Iwata, however, does not describe where any key of the keypad **6** is multifunctional, as required by amended independent Claim 1. Since Iwata does not teach or suggest a multifunctional key, Iwata also does not teach or suggest where the function of said key is dependent upon the state of the device, as further recited by independent Claim 1. As such, the rejection of Claims 1-7 and 9 has been overcome.

Furthermore, Iwata does not teach or suggest a device where a key is positioned remote from the other keys, as recited by amended independent Claim 1. As described above, the remote position of the key may be a useful feature in some embodiments of the invention since it may allow the user to quickly locate and operate the key when, for example, the device is ringing in the user's pocket during a meeting. For this additional reason, the rejection of Claims 1-7 and 9 have been overcome.

Applicants also submit that the Office Action mischaracterizes the teachings of Iwata. The Office Action initially appears to equate the keypad 6 with the multifunctional key of Claim 1. *See* the Office Action, page 2. However, the Office Action then refers to paragraphs 0169 to 0171 of Iwata as describing the multifunctional key when rejecting the feature of "and for at least one state of the device, operation of the key controls provision of information on the display." *See* the Office Action, pages 2-3. Paragraphs 0169 and 0171 of Iwata describe where an address book is displayed on the LCD 4, which may be accessed and interacted with using only the touch screen 20 when the cover 7 is in the open position. As such, the Office Action is citing both the keypad 6 and the touch screen 20 of Iwata as the multifunctional key of the claimed invention.

Finally, Iwata does not suggest adapting the mobile information terminal equipment to fall within the scope of attached Claim 1. In fact, Iwata teaches away from independent Claim 1 since it teaches that when the cover 7 is in the closed position the mobile information terminal equipment functions as a mobile telephone and a user is presented with the keypad 6. Thus, if the "closed" position of the Iwata device is equated with the closed position of the claimed invention, then there is no motivation to provide a single multifunctional key since all of the functions of the equipment may be handled by the keypad 6. If instead the "closed" position of Iwata can be equated with the open position of the claimed invention, then, in contrast to Claim 1, Iwata teaches that all of the keys are disabled and are covered by the sliding cover. Therefore, not only is Claim 1 not anticipated by Iwata, but Claim 1 should not be considered obvious when viewed in light of Iwata.

In view of the amendments and the above remarks, Applicant submits that Claims 1-7 and 9 of the present application are patentably distinguishable from the Iwata disclosure.

***IV. The Rejection of Claim 8 under 35 U.S.C. § 103(a)***

Dependent Claim 8 was rejected under 35 U.S.C. § 103(a) as being obvious over Iwata in view of Kim. Kim is directed to an earphone-microphone combination 300 that may be connected to a mobile phone 500 via radio module interface connector 100. The combination 300 includes a radio module 200 and a microphone 310 and an earphone 320. The radio module 200 includes a mute circuit 230 which is arranged to mute radio sounds produced by the radio module. A mode change button 330 is provided on the microphone module to enable a user to alternate between a radio mode and a telephone mode. Kim is not cited as teaching, nor does it teach or suggest, the deficiencies in the Iwata reference described above in relation to independent Claim 1. As such, since Claim 8 depends from Claim 1, Applicant submits that dependent Claim 8 is also patentable over the combination of Iwata and Kim.

***V. New Claims 10-13***

New dependent Claims 10-13 have been added and do not contain new matter. For example: dependent claim 10 is supported by the description on page 13, line 32 to page 14, line 2; dependent claim 11 is supported by the description on page 14, lines 2-6; dependent claim 12 is supported by the description on page 16, lines 30-31; and dependent claim 13 is supported by the description on page 4, lines 29-30 and by Fig. 1a. Since new Claims 10-13 are dependent upon Claim 1, Applicant submits that, at least for the reasons described above, Claims 10-13 are also patentable over the cited references.

**Conclusion**

In view of the remarks and amendments presented above, it is respectfully submitted that the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of

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this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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